IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.453 OF 2007

Geeta Bechupal @ Geeta Paresh. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.S.V.Marwadi, Adv. for the Applicant.
Mr.Rajesh More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 22nd March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R. No.151 of 2006 of D.B.Marg Police Station, Mumbai. The said C.R. is under Sections 342, 343, 344, 365 r/w. section 34 of IPC and Sections 3, 4, 5, 6 and 7(1)(b) of Prevention of Immoral Trafficking Act.

3. It is the prosecution case that a poor young married lady Jahanara Mandal due to poverty was looking for work. She met one Pappu who told

that he would get her work. He told her to first see the work and thereafter if she was agreeable she should inform her husband. Pappu took Jahanara to one building in Grant Road. There Pappu sold Jahanara to the present applicant for Rs.4,000/-. Jahanara has stated that thereafter she was forced into prostitution business by the applicant and one another co-accused i.e. Saliya Begam Raju Khan.

4. In the meanwhile, the husband of Jahanara who is a poor mason traced his wife in the house of the applicant. He was able to speak to her for a minute, during which his wife told him that one Pappu had sold her to the brothel owner and that he should rescue her. The husband requested the lady running the brothel to release his wife Jahanara. However, that lady told him that he should give her Rs.4,000/- and thereafter he should take his wife Jahanara. Ultimately, he lodged complaint and a raid was conducted on the said brothel and his wife came to be rescued from the house of the applicant.

5. Mr.Marwadi the learned Advocate for the

applicant has submitted that the applicant was not present when the raid was conducted and she was at her native place when the raid was conducted. He submitted that moreover no test identification parade has been held in respect of the present applicant. Hence the identity of the brothel owner being the applicant is not established. I have perused the statement of Jahanara wherein she has stated that Pappu had sold her to the present applicant and thereafter the present applicant and the applicant's manager forced her into prostitution. She has also stated that her husband requested the applicant to release her, thereupon he was told that he had to pay Rs.4,400/- and only thereafter Jahanara would be released. Jahanara has kept in the house of the applicant and she was in constant contact with the applicant for a period of 16 days. During the period of 16 days, Jahanara was not allowed to go anywhere and even if she went for the purpose of toilet the applicant or her manager used to accompany her. Thus, it is seen that Jahanara was in constant contact with the applicant for a period of 16 days. In such case, strictly speaking I do not find any necessity for holding

identification parade. In view of the statement of Jahanara the identity of the applicant is established.

6. The learned APP has pointed out that besides Jahanara, one other young lady Nisha was sold to the present applicant for Rs.10,000/-. The statement of Nisha bears out this fact. Looking to this fact, I am not inclined to grant bail to the applicant. Application is rejected. The learned Sessions Judge shall not be influenced by any observations made in this order while deciding the trial.

(SMT.V.K.TAHILRAMANI,J.)